

Appn. Serial No. 10/046,061

### **REMARKS**

In the Final Office action, the Examiner noted that claims 1-27 are pending in the application and that claims 5-11, 13, and 15-19 are rejected. Claims 1-4, 12, 14 and 20-27 are withdrawn from consideration. Claim 13 was also objected to because of an antecedent basis objection. This objection has been attended to by amending Claim 13 by changing "a raw food product" to "the raw food product." In view of the following discussion, the Applicant submits that none of the claims now pending in the application is obvious under the provisions of §103(a). At the outset the Applicant incorporates all of the arguments presented in the Responses filed on October 30, 2005 and June 20, 2006 into this instant Response and to address the Office Action mailed September 7, 2006.

### **The Rejections Under 35 USC §103**

The Examiner rejected claims 5-11, 13, and 15-19 under 35 U.S.C. §103(a) as being unpatentable over Time Life Books Recipes: the Cooking of India, page 43 in view of Powell, Brotsky and British Patent 18, 345. In addition, the Examiner indicated that a previously filed 132 Declaration was unpersuasive. The Applicants respectfully traverse the rejection.

In response the Examiner's comments in paragraph 6 of the Final Office Action of September 7, 2006, where the Examiner stated that:

*"Applicant's arguments filed October 3, 2005 and the accompanying 132 Declaration have been fully considered but they are not persuasive. The declaration is still deficient in failing to state the components and amounts thereof in the "Clean A Meal" product discussed in the declaration. Only the components and amounts of the "Cooking of India" product are given"* Therefore, Applicant has submitted herein a new 132 Declaration of John Bonnes dated February 6, 2007. He compares his testing of both the Cooking of India reference as well as the Clean-A-Meal product, which is the claimed subject matter, in a side by side comparison by percentage volume of the total compositions. He also enumerates that the Clean -A-Meal product thus tested on seafood, chicken and beef had over 96% reduction in five different types of pathogens, namely, E.Coli bacteria, Listeria, Salmonella, Staphylococcus and Clostridium, but that the Cooking of India recipe (utilizing the common elements of lemon juice, salt, turmeric and 5% vinegar) had only from 41.1% to 62.2 % reduction in the same five pathogens in

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seafood. Chicken and beef. He explains the formula of the primary reference which was tested, as derived from the reference. He explained that it contained 4 out of 5 materials in the substance of the claimed subject matter of the present invention. He stated that each set of the materials were mixed together until a homogenous solution was obtained and then used to apply to food consistent with what was tested of the present invention.

Mr. Bonnes' tests compared closest prior art reference, namely, The Cooking of India reference, with the subject matter of the instant application. Mr. Bonnes documents the results of those tests and the compositions tested in the Declaration. Those results clearly show a significant difference in the bactericide/contaminants test results produced by The Cooking of India, when compared to the bactericide/contaminants test results of Applicant's invention.

Since this is in response to a Final Office Action, in order to simplify and advance prosecution without raising any new issues, Applicant has amended independent Claim 5 to recite the percentages being about the same percentages as the actual tests of Declarant John Bonnes.

Therefore independent Claim 5 mirrors the actual testing of Declarant John Bonnes on behalf of Applicant.

While independent Claim 8 still has a range of percentages as recited in Applicant's specification, and the testing indicates that such Claim would probably also be allowable, if the Examiner wishes to cancel Claim 8 without prejudice to Applicant re-submitting it in a further continuation, then Applicant requests that the Examiner cancel Claim 8 and the claims which depend therefrom without prejudice by Examiner's Amendment.

The results of using this invention greatly surpasses the use of any of the prior art methods. In addition, there is a long felt but unsatisfied need for treatment of food to extend self life without compromising the taste, with such elements which have been long available. Further, Examiner's conclusion of obviousness should be withdrawn.

Respectfully there is a lack of suggestion in the prior art of the desirability of combining references: The Cooking of India in view of Powell, Brotsky and British patent 18,345. In addition, even if Powell, Brotsky, and British Patent 18345 were

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combined there is nothing which would suggest that this combination would produce the results demonstrated by the Applicant's invention.

Lastly, since this invention deals with food, taste is a very important consideration. The use of the prior art in order to obtain bacteria control results anywhere near the current invention will necessarily be in such concentrations which interfere with a person's enjoyment of that particular food. The Applicant requests reconsideration and withdrawal of the obviousness rejection of the Claims.


### Conclusion

Thus, Applicant submits that none of the claims presently pending in the application are obvious under the provisions of 35 U.S.C. §103(a). Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone (631) 361-8737 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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